

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/27/2021
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALEXANDER BELYA,

Plaintiff,

-against-

HILARION KAPRAL, et al.,

Defendants.  
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**VICTOR MARRERO, U.S.D.J.:**

**20 Civ. 6597 (VM)**  
**DECISION & ORDER**

Before the Court is a pending letter request filed by defendants Hilarion Kapral a/k/a Metropolitan Hilarion, Nicholas Olkhovskiy, Victor Potapov, Serge Lukianov, David Straut, Alexandre Antchoutine, Mark Mancuso, George Temidis, Serafim Gan, Boris Dmitrieff, Eastern American Diocese of the Russian Orthodox Church Outside of Russia, the Synod of Bishops of the Russian Orthodox Church Outside of Russia, and John Does 1 through 100 ("Defendants") requesting a pre-motion conference to move the Court to bifurcate discovery or otherwise stay the action pending resolution of their appeal. (See "Motion," Dkt. No. 62.) Plaintiff Alexander Belya ("Belya") opposed the request. (See Dkt. No. 63.) The Court hereby denies the request for a conference and will address Defendants' Motion on the merits.<sup>1</sup>

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<sup>1</sup> See Kapitalforeningen Lægernes Invest. v. United Techs. Corp., 779 F. App'x 69, 70 (2d Cir. 2019) (affirming the district court's ruling deeming an exchange of letters as a fully submitted motion).

On May 19, 2021, the Court denied Defendants' so-deemed motion to dismiss the complaint, holding, in relevant part, that Belya's claims raised purely secular issues that could be resolved by appeal to neutral principles of law. (See Dkt. No. 46 at 11-12). On July 6, 2021, the Court denied Defendants' request to alter that decision and order as untimely, and likewise denied Defendants' request to certify questions related to the application of the ministerial exception and ecclesiastical abstention for interlocutory appeal. (See Dkt. No. 57.)

Upon review of Defendants' Motion, Belya's opposition, the Court's previous rulings noted above, and other materials in the record the Court is persuaded Defendants' Motion warrants denial. The Court notes that this matter is limited to an inquiry into whether the relevant statements made concerning Belya were defamatory statements. This is a fact-based inquiry as to what occurred, and the Court will not pass judgment on the internal policies and or determinations of the Russian Orthodox Church Outside Russia, nor would it be able to under the doctrine of ecclesiastical abstention. The Court therefore finds bifurcation of discovery to be unwarranted and a stay to be unnecessary.

#### **I. ORDER**

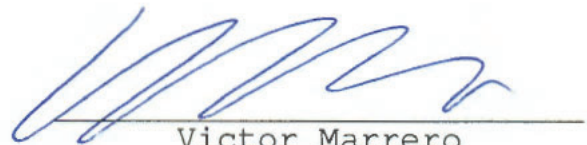
For the reasons stated above, it is hereby

**ORDERED** that the motion to bifurcate discovery or otherwise stay the action (Dkt. No. 62) filed by defendants Hilarion Kapral a/k/a Metropolitan Hilarion, Nicholas Olkhovskiy, Victor Potapov, Serge Lukianov, David Straut, Alexandre Antchoutine, Mark Mancuso, George Temidis, Serafim Gan, Boris Dmitrieff, Eastern American Diocese of the Russian Orthodox Church Outside of Russia, the Synod of Bishops of the Russian Orthodox Church Outside of Russia, and John Does 1 through 100 is **DENIED**, and it is further

**ORDERED** that the parties comply with the Court's July 14, 2021 Order (Dkt. No. 59) regarding the submission of a joint-letter and proposed case management plan.

**SO ORDERED:**

Dated: New York, New York  
27 July 2021

  
Victor Marrero  
U.S.D.J.